



California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, PE, Chair



Arnold
Schwarzenegger
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Linda S. Adams
Secretary for
Environmental Protection

APPROVED

STAFF

SENIOR

5 May 2008

Mr. Randy Pesses
Director of Public Works
City of Placerville
3101 Center Street
Placerville, CA 95667

CERTIFIED MAIL
7007 2560 0001 7472 1674

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0522 FOR ASSESSMENT OF MANDATORY MINIMUM PENALTIES, CITY OF PLACERVILLE, HANGTOWN CREEK WASTEWATER TREATMENT PLANT, PLACERVILLE, EL DORADO COUNTY

Enclosed is an Administrative Civil Liability Complaint (Complaint), issued pursuant to California Water Code section 13385, for violations of Waste Discharge Requirements Order No. 5-01-045 (NPDES No. CA0078956) by the City of Placerville. The Complaint charges Placerville with an administrative civil liability in the amount of **two hundred seventy thousand dollars (\$270,000)**, which represents the sum of the statutory Mandatory Minimum Penalties for effluent limitation violations that occurred at the Hangtown Creek Wastewater Treatment Plant from 1 January 2001 through 31 December 2007.

Pursuant to California Water Code section 13323, the City of Placerville may either pay the civil liability and waive its right to a hearing before the Regional Water Board, or may contest the complaint and exercise its right to a hearing. The City of Placerville has the right to a hearing before the Regional Water Board within 90 days of the service of this complaint. If the City of Placerville chooses to waive this right and settle the complaint without a hearing, then a duly authorized agent must sign the enclosed waiver and submit it to this office, along with a check payable to the "*State Water Pollution Cleanup and Abatement Account*" in the full amount of the civil liability. The check must contain a reference to "*ACL Complaint No. R5-2008-05xx*." The waiver and payment will be considered effective pending a 30-day period, tolled from the date of this Complaint, during which time interested parties may comment on this action by submitting information to this office, attention Barry Hilton.

If the Regional Water Board does not receive a waiver within 30 days of the date of this Complaint (**by 4 June 2008**), then a hearing will be scheduled for the **31 July/1 August 2008** Regional Water Board meeting in Rancho Cordova. Specific notice about this hearing and its procedures will be provided under separate cover.

If you intend to proceed to a hearing on this matter, you must submit written comments and evidence to the Regional Water Board by **4 June 2008**. Any comments or evidence concerning the enclosed Complaint must be submitted to this office, attention Barry Hilton, no

California Environmental Protection Agency

later than **5 p.m. on 4 June 2008**. Written comments must describe any disagreements with the findings in the Complaint. Written materials received after **5 p.m. on 4 June 2008** will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party

The Regional Water Board is willing to entertain proposals for a Supplemental Environmental Project (SEP) under California Water Code section 13385(l). If the City of Placerville wishes to undertake an SEP in lieu of paying a portion of the penalty amount, then the City of Placerville must set up a meeting with the Regional Water Board **by 23 May 2008** to present the proposal for discussion. Any SEP proposal must meet the qualification criteria in the State Water Resource Control Board's Water Quality Enforcement Policy. Information on the qualification criteria can be found at <http://www.waterboards.ca.gov/plnspols/docs/wqep.doc>. Approval of any proposed SEP lies within the discretion of the Regional Water Board.

If you have any questions or comments regarding the Administrative Civil Liability Complaint, please contact Barry Hilton at (916) 464-4762 or Patricia Leary at (916) 464-4623.

WENDY WYELS
Environmental Program Manager
Compliance and Enforcement Section

Enclosure

cc: Ms. Pamela Creedon, Central Valley Water Board, Rancho Cordova
Mr. Kenneth Greenberg, U.S. Environmental Protection Agency, Region IX, San Francisco
Mr. Reed Sato, Office of Enforcement, State Water Resources Control Board, Sacramento
Mr. Patrick Pulupa, Office of Chief Counsel, State Water Resources Control Board, Sacramento
Ms. Lori Okun, Office of Chief Counsel, State Water Resources Control Board, Sacramento
Ms. Carol Oz, Department of Fish and Game, Region 2, Rancho Cordova
El Dorado County Environmental Management Department, Placerville
Mr. Bill Jennings, California Sport Fishing Protection Alliance, Stockton